

Robert G. Drummond  
Chapter 13 Standing Trustee  
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(Trustee)

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

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|                  |   |                                    |
|------------------|---|------------------------------------|
| In re            | ) |                                    |
|                  | ) | No. 17-60981-13                    |
| KAGAN YOCHIM and | ) | <b>NOTICE OF HEARING</b>           |
| TRACI YOCHIM,    | ) | <b>DATE:</b> January 11, 2018      |
|                  | ) | <b>TIME:</b> 9:00 a.m.             |
| Debtors.         | ) | <b>LOCATION:</b> Missoula Hearings |
|                  | ) | 201 E. Broadway, Crtrm. #200A      |
|                  | ) | Missoula, Montana                  |
|                  | ) |                                    |

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**TRUSTEE’S OBJECTION TO PROOF OF CLAIM; AND NOTICE OF HEARING**

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Pursuant to Rule 3007 and Mont. LBR 3007-2, the undersigned respectfully objects to the Proof of Claim filed in the above-entitled case by Ditech Financial LLC, which is claim number 6 on the Claims Register maintained by the Clerk of Court. The grounds for this objection are as follows:

The creditor has filed a secured claim stating in Paragraph 8 of the claim form that it is claimed for “Money Loaned.” Paragraph 9 states that it holds a secured interest in real estate and that the basis for perfection is “Recordation of Lien.” The creditor has failed to comply with the requirements of F.R.B.P. 3001(c)(1) by attaching a copy of the writing upon which it is based. The claim fails to comply with the requirements of F.R.B.P. 3001(d) by attaching any instrument by virtue of which it claims to hold a lien in the Debtors’ property. The attachment to the proof of claim is a mortgage proof of claim attachment. The attachment fails to support the claimed

fees, expenses, or charges claimed in the proof of claim.

WHEREFORE, Proof of Claim number 6 should be disallowed.

DATED November 27, 2017.

Chapter 13 Standing Trustee  
P. O. Box 1829  
Great Falls, MT 59403-1829

By /s/ Robert G. Drummond  
Trustee

### NOTICE OF HEARING

**A hearing on the above-referenced Objection to Proof of Claim will be held at the date, time and location set forth in the caption above, at which time you must appear and respond to such Objection. If no response is timely made, the Court may grant the Objection, as a failure to appear shall be deemed an admission that the Objection is valid and should be granted.**

### CERTIFICATE OF MAILING

I, the undersigned, do hereby certify under penalty of perjury that a copy of the within and foregoing **TRUSTEE'S OBJECTION TO PROOF OF CLAIM; AND NOTICE OF HEARING** was sent by first class mail postage prepaid on November 27, 2017, at Great Falls, Montana, and directed to the following:

Ditech Financial LLC fka Green Tree Servicing LLC  
P.O. Box 6154  
Rapid City, South Dakota 57709-6154

KAGAN & TRACI YOCHIM  
3944 OSHAUGHNESSY STREET  
MISSOULA, MT 59808

/s/ Tiffany Floerchinger  
Tiffany Floerchinger